

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**BLUE SPIKE, LLC**  
*Plaintiff,*

V.

TEXAS INSTRUMENTS, INC.  
*Defendants*

§ Civil Action No. 6:12-CV-499 MHS  
§  
§ LEAD CASE

## LEAD CASE

BLUE SPIKE, LLC,  
*Plaintiff,*

**V.**

AUDIBLE MAGIC CORPORATION,  
FACEBOOK, INC., MYSPACE, LLC,  
SPECIFIC MEDIA, LLC,  
PHOTOBUCKET.COM, INC.,  
DAILYMOTION, INC.,  
DAILYMOTION S.A., SOUNDCLOUD,  
INC., SOUNDCLOUD LTD., MYXER,  
INC., QLIPSO, INC., QLIPSO MEDIA  
NETWORKS LTD., YAP.TV, INC.,  
GOMISO, INC., IMESH, INC.,  
METACAFE, INC., BOODABEE  
TECHNOLOGIES, INC., TUNECORE,  
INC., ZEDGE HOLDINGS, INC.,  
BRIGHTCOVE INC.,  
COINCIDENT.TV, INC., ACCEDO  
BROADBAND NORTH AMERICA,  
INC., ACCEDO BROADBAND AB,  
AND MEDIAFIRE, LLC  
*Defendants.*

§ Civil Action No. 6:12-CV-576 MHS  
§  
§ CONSOLIDATED CASE

## CONSOLIDATED CASE

**BLUE SPIKE, LLC,**  
*Plaintiff,*

**v.**

WIOFFER, LLC  
*Defendant.*

§ Civil Action No. 6:12-CV-570 MHS  
§  
§ CONSOLIDATED CASE

## CONSOLIDATED CASE

**DECLARATION OF TOM SEVERSON IN SUPPORT OF DEFENDANT  
AUDIBLE MAGIC CORPORATION'S AND ITS CUSTOMERS' MOTION TO  
TRANSFER VENUE TO THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA UNDER 28 U.S.C. § 1404(a)**

I, Tom Severson, declare under penalty of perjury that the following is true and correct:

1. I am an EVP, CFO for Myxer, Inc. I have personal knowledge of the facts set forth in this declaration, or access to Myxer, Inc.'s ("Myxer") corporate information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.

2. Myxer is headquartered in Deerfield Beach, Florida.

3. Myxer has no operations, employees, or property in the Eastern District of Texas.

4. Myxer is accused in the complaint in the above-referenced action based on Audible Magic's technology.

5. In May 2008, Myxer entered into an agreement with Audible Magic, located in Los Gatos, California, wherein Audible Magic agreed to provide its Content Identification Services to Myxer. This is technology accused by Blue Spike in the instant action. The Content Identification Services provided to Myxer were, at all times, provided remotely by Audible Magic on its computer servers and in its network operations center in Los Gatos, California and San Jose, California.

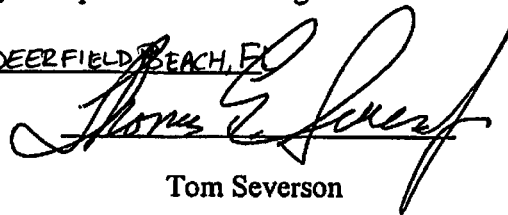
6. Myxer interacted with Audible Magic technical and business personnel in Los Gatos, California to obtain the agreement with Audible Magic and with regard to technical aspects of the Audible Magic technology.

7. As part of its agreement with Audible Magic, Myxer utilized or accessed servers, databases, and software located in and/or originating from Audible Magic in Los Gatos, California.

8. Myxer had no access to, and no ability to alter, Audible Magic's proprietary source code used to run Audible Magic's Content Identification Services.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on May 16, 2013 in DEERFIELD BEACH, FL

A handwritten signature in black ink, appearing to read "Tom Severson", written over a horizontal line.

Tom Severson